

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 137F.2, the Department of Inspections and Appeals amends Chapter 31, “Food Establishment and Food Processing Plant Inspections,” Iowa Administrative Code.

The Department is adopting an amendment to the requirement that all wild mushrooms be inspected by an approved mushroom identification expert prior to their sale at food establishments. The amendment clarifies the requirement for a morel mushroom identification expert only. The amendment allows an individual who has successfully completed a three-hour morel mushroom identification expert course (every three years) to procure or sell wild morel mushrooms to a food establishment.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because public sentiment expressed during the adoption of the 2005 FDA Food Code expressed support for continuing to allow wild morel mushrooms to be sold at food establishments, with the exception of specialists who have now revised their advice. During the adoption of the 2005 FDA Food Code, the Department relied upon specialists from Iowa State University who, at that time, advised against continuing to allow wild morel mushrooms to be sold to food establishments. Since then, however, these same specialists have reconsidered their previous opinions and advised the Department that a limited amendment to the 2005 FDA Food Code should be adopted, which would allow wild morel mushrooms that have been identified by a certified morel mushroom identification expert to be sold at food establishments. These specialists have reviewed the amendment, which is also being considered by other states.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective on April 1, 2010, as it removes a restriction.

This amendment is also published herein under Notice of Intended Action as **ARC 8697B** to allow public comment.

This amendment is intended to implement Iowa Code section 137F.2.

This amendment became effective on April 1, 2010.

The following amendment is adopted.

Adopt the following new subrule 31.1(12):

**31.1(12)** Section 3-201.16, paragraph (A), is amended by the adding the following:

“A food service establishment may serve or sell morel mushrooms if procured from an individual who has completed a morel mushroom identification expert course. Every morel mushroom shall be identified and found to be safe by a certified morel mushroom identification expert whose competence has been verified and approved by the department through the expert’s successful completion of a morel mushroom identification expert course provided by either an accredited college or university or a mycological society. The certified morel mushroom identification expert shall personally inspect each mushroom and determine it to be a morel mushroom. A morel mushroom identification expert course shall be at least three hours in length. To maintain status as a morel mushroom identification expert, the individual shall have successfully completed a morel mushroom identification expert course described above within the past three years. A person who wishes to offer a morel mushroom identification expert course must submit the course curriculum to the department for review and approval. Food establishments offering morel mushrooms shall maintain the following information for a period of 90 days from the date the morel mushrooms were obtained:

- “1. The name, address, and telephone number of the morel mushroom identification expert;
- “2. A copy of the morel mushroom identification expert’s certificate of successful completion of the course, containing the date of completion; and
- “3. The quantity of morel mushrooms purchased and the date(s) purchased.

“Furthermore, a consumer advisory shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means that wild mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.”

[Filed Emergency 3/31/10, effective 4/1/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/21/10.